



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



226478

JUN 17 2003

REPLY TO THE ATTENTION OF

Lindsay Light II Site/OU7

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RE: Lindsay Light II Site
OU7/HBE Corporation
319 East Illinois Street
General Notice of Potential Liability

Dear Sirs:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and has spent public funds to investigate and control these releases. Specifically, radioactively contaminated materials believed to be associated with the Lindsay Light Company's nearby gas mantle manufacturing in the Streeterville area were discovered on property known as OU7/HBE Corporation located at 319 East Illinois Street in Chicago, Illinois. U.S. EPA has taken action to investigate and control the release pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA).

Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous

substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

As you know, U.S. EPA has issued a Unilateral Administrative Order (Lindsay Light UAO), Docket No. V-W-96-C-353 dated June 6, 1996, under Section 106 of CERCLA, which required Respondents Chicago Dock & Canal Trust (n/k/a River East Chicago L.L.C.), and Kerr-McGee Chemical Corporation to investigate and remove radioactive contamination at 316 East Illinois Street (Lindsay Light II Site). The Lindsay Light UAO was amended on March 29, 2000, to expand the boundaries of the Lindsay Light II Site to include the contamination located at 227 East Grand Avenue (OU1/North Columbus Drive) and to include Grand Pier Center L.L.C., the owner of the North Columbus Drive property as a Respondent required to perform specified work under the Lindsay Light UAO.

Section V. Order of the Lindsay Light UAO requires the Respondents to perform certain tasks, which include the implementation of the standards of 40 Code of Federal Regulations 192, if deemed necessary should contamination be discovered beyond Site boundaries. A copy of the Lindsay Light UAO and its amendment have been enclosed for your reference. During 2001-2002, off-site contamination was investigated and removed under the Lindsay Light UAO at 341 East Ohio Street (OU3/North McClurg Court). Since that time, additional off-site contamination also has been discovered at 653 E. North South Water Street (OU4/DuSable Park), at 221 North Columbus Drive (OU5/Family Golf Course/Lake Shore East), at 245-53 East Ohio Street/242-256 East Grand Avenue (OU6/245 E. Ohio), and at 319 East Illinois Street (OU7/HBE Corporation). All of these locations are considered to be off-site contamination under the Lindsay Light UAO. Thus far, these Respondents and other potentially responsible parties (PRPs) have cooperated with U.S. EPA to address the contamination located at these off-site properties, or have already undertaken actions to comply with the Lindsay Light UAO with U.S. EPA oversight.

By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a PRP, to agree to reimburse U.S. EPA for costs incurred to date at the above referenced property, and to voluntarily perform or finance the response activities which U.S. EPA has determined are required at the facility in accordance with the Lindsay Light UAO.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) business days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Debbie Regel
U.S. EPA - Region 5
Emergency Enforcement & Support Section
SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

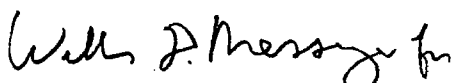
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to comply with the UAO, does not wish to negotiate a resolution of its potential responsibility in connection with the facility, and has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If your organization is already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, your organization may continue such activities as it sees fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mary Fulghum of the U.S. EPA Office of Regional Counsel at (312) 886-4683.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein if U.S. EPA's understanding is not correct. We hope you will give this matter your immediate attention.

Sincerely yours,



Richard C. Karl, Chief
Emergency Response Branch

cc: Vincent S. Oleskiewicz, Esq.
Baker & McKenzie
One Prudential Plaza
130 East Randolph Street, Suite 3200
Chicago, IL 60601

John T. Smith, II, Esq.
Covington & Burling
1201 Pennsylvania Avenue N.W.
Washington, DC 20004

Patricia F. Sharkey, Esq.
Mayer, Brown, Rowe & Maw
190 South LaSalle Street
Chicago, IL 60603

Enclosures

(UAO, UAO amendment & SBREFA information sheet)

LINDSAY LIGHT II SITE
OU7/HBE CORPORATION
LIST OF PRPs SENT GENERAL NOTICE LETTER

HBE Corporation
c/o C T Corporation Systems
Registered Agent
120 South Central
Clayton, MO 63105

Kerr-McGee Chemical LLC
c/o The Corporation Company
Registered Agent
120 North Robinson, Suite 735
Oklahoma City, OK 73012

LIST OF PRPs PREVIOUSLY SENT GENERAL NOTICE LETTER
LINDSAY LIGHT II SITE, CHICAGO, IL

OU 00/316 East Illinois Street

April 18, 1996

Chicago Dock & Canal Trust
c/o Mr. David A. Grossberg
Registered Agent
6600 Sears Tower
Chicago, IL 60606

Kerr-McGee Chemical Corporation
c/o The Corporation Company
Registered Agent
120 North Robinson, Suite 735
Oklahoma City, OK 73102

January 20, 1999

MCL Companies of Chicago, Inc.
c/o Mr. David A. Grossberg
Registered Agent
223 South Wacker Drive
Chicago, IL 60606

River East, Inc.
River East, L.L.C.
Center At River East, L.L.C.
c/o Thomas J. Kelly, Esq.
Pedersen & Houpt
161 North Clark Street, Suite 3100
Chicago, IL 60601

OU1/North Columbus Drive

March 17, 2000

Grand Pier Center, L.L.C.
c/o Mr. Raymond M. Chin
Registered Agent
401 North Michigan Avenue
Chicago, IL 60611

OU3/North McClurg Court

July 13, 2000

Teacher's Retirement System
c/o Mr. Timothy Ramsey, Esq.
Piper, Marbury, Rudnick & Wolf
203 North LaSalle Street, Suite 1800
Chicago, IL 60601

bcc: Mary Fulghum/Cathy Martwick, ORC (C-14J)
Verneta Simon/Fred Micke, OSCs (SE-5J)
Larry Jensen (SMF-4J)
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Denise Battaglia, Public Affairs (P-19J)
Michael T. Chezik

Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106

Alicia Corley, SETS (OS505)
Tony Audia, PAAS (MF-10J)
Records Center (SMR-7J)